

Village of Lansing

MINUTES of a meeting of the Board of Trustees of the Village of Lansing held on Monday, August 1, 2016, in the Village Office.

PRESENT: Mayor Donald Hartill; Trustees, Ronny Hardaway, Patricia O'Rourke and John O'Neill; Clerk/Treasurer, Jodi Dake; Planning Board Member, John Gillott.

Mayor Hartill called the Board of Trustees meeting to order at 7:30pm and opened the public comment period. There were no comments.

Motion - To Close the Public Comment Period

Trustee Hardaway made a motion to close the public comment period. Trustee O'Rourke seconded the motion. A vote was taken:

Mayor Donald Hartill-Aye	Trustee John O'Neill- Aye
Trustee Ronny Hardaway- Aye	Trustee Patricia O'Rourke-Aye

Mayor Hartill stated that we are currently redoing N. Triphammer Rd. On July 25th there was a bid opening for North Triphammer Road Pavement Markings. There was only one bid received. The other potential bidder couldn't submit a bid due to the specifications.

John Courtney, Superintendent of Public Works, has reviewed the bid provided by Accent Stripe Inc. for the North Triphammer Road pavement markings and recommends that the Board of Trustees accept their bid for the estimated sum of \$61,417.50. This price could vary slightly to the actual measurements agreed upon between the Village of Lansing and Accent Stripe. Hardaway asked if this was a lot. Hartill stated that normally it would be half that but due to the way the bid specifications were written which included more stringent insurance requirements it came in higher. The specifications include a guarantee that if striping isn't quite right the contractor has to carry liability insurance to cover that. Hartill stated that both he and Courtney missed this when reviewing the bid specifications. It was asked why we didn't just rebid the striping. Hartill stated that due to timing, we couldn't do a rebid. It was asked if this is only striping for N Triphammer Rd. Hartill thinks that here is also some striping on a couple of side roads included in this bid.

Resolution#6300-To Accept Accent Stripe Inc. Bid of \$61,417.50 for Triphammer Road Pavement Markings and Authorize the Mayor to Sign Documents Relating There to

Trustee O'Neill moved this resolution. Trustee Hardaway seconded the motion. A vote was taken:

Mayor Donald Hartill-Aye
Trustee Ronny Hardaway- Aye

Trustee John O'Neill- Aye
Trustee Patricia O'Rourke-Aye

Chuck and Diane Childs of 12 Millcroft Way have sent the Village a written request to get a refund of the fees they paid to the Village for the construction of a new home on Millcroft Way. They have decided not to construct and the lot is for sale. Previously, a \$1,000 Sewer Permit and \$500 Building Permit fee were paid. Time has been invested by Attorney Dubow to update the plat, it has gone to the Planning Board and Moseley has already done a full review of the plans. Hartill stated that Moseley is reluctant to refund the building fee due to the amount of time that has been invested in this project already. Hardaway asked if there were any expenses relating to the sewer permit. Dake explained that if the sewer permit is refunded the next owner will need to purchase a sewer permit before they can connect to the sewer. The Board agreed that only the sewer permit fee should be refunded.

Resolution#6301-To Refund Chuck and Diane Childs \$1,000 for a Sewer Permit

Trustee O'Rourke moved this resolution. Trustee Hardaway seconded the motion. A vote was taken:

Mayor Donald Hartill-Aye
Trustee Ronny Hardaway- Aye

Trustee John O'Neill- Aye
Trustee Patricia O'Rourke-Aye

The next item on the agenda was to consider a request from Bong Sen for a change in Temporary Commercial Activities for a stationary food vendor. Mr. Bong Sen has submitted a letter requesting that the Village consider expanding the number of days that a Stationary Food Vendor could operate in the Commercial Districts to 180 days per tax parcel. He indicates that he would operate from 9:00AM-2:00PM each one of those days.

Hartill stated that our current policy includes a fee of \$50 which allows you to operate for 5 days. Moseley has done a quick survey and the results are listed below. Since this is a last minute request that came in this morning, the Mayor would like to continue with our current policy and do a thorough job of reviewing it. We will also need to have our attorney look at it. Hartill suggested that the Board talk about it this evening and look into considering a change and what the implications would be.

In a letter to the Trustees, Moseley explained that currently a Stationary Food Vendor (food truck) is one of the Temporary Commercial Activities that is an allowed use in most of the Commercial Districts in the Village (Village Zoning Law section 145-58). Section 145-58 C. of the Village Zoning was changed in 2014 and previously allowed a Temporary Commercial Activity no more than 3 days per month to operate. The Village now breaks down the Temporary Commercial Activities into 6 categories and provides for different timeframes for each one of the categories. A Stationary Food Vendor is allowed to be in operation for no more than 5 consecutive days and no more than 42 days

per tax parcel per year. A permit and a \$50 permit fee is applied for every Stationary Food Vendor wishing to operate in the Village. At maximum, every 5 days would constitute a new permit requirement and fee.

Today, Moseley contacted some other municipalities to find out how they related to food trucks:

- Town of Lansing- no regulations observed
- Town of Dryden- no regulations observed
- Town of Ithaca- not allowed on private property
- Village of Dryden- allowed with a peddlers' license, good for 1 year and cost \$750 for the year license.
- Village of Cayuga Heights- viewed as a commercial use and would need to get Planning Board approval.
- Village of Groton- allowed with a peddlers' license, good for 90 days and cost \$75. The permit can be renewed every 90 days with no maximum days per year.
- City of Ithaca- allowed use, maximum of a 1-year license and the City limits the hours of operation for the food vendors.
- City of Syracuse- only regulated food vendors that are utilizing municipal property/streets.
- Town of Amherst- allowed use, appears to be a maximum of 1-year license and costs \$400 per year. Amherst would appear to regulate the food vendors utilizing municipal property/streets.
- City of Rochester- allowed use in commercial districts for no more than 60 days per year and would require a zoning permit each year with a fee of \$50 for the calendar year and they cannot be located on vacant parcels of land. Food vendors are allowed in residential areas but are limited to 2 days per year.

Currently, the Village also has an exception that allows this use to operate without a permit if it operates under 8 hours per week. In the past we have allowed the 8 hours to be utilized by the Stationary Food Vendor and then require a permit. If Mr. Sen were to operate his food truck 4 hours per day, he would be able to achieve two days per week without the Village requiring a permit. So theoretically, he would then be able to operate for 14 full weeks (70 days) with the combined permitted and non-permitted days. He could also utilize the exception to operate 2 days per week (if both days operated under a total of 8 hours per week) for the entire year. If this were to be changed, this would be

allowed for all Stationary Food Vendors in the designated Districts, as listed in 145-58 C. of the Village Zoning Law.

Mr. Sen stated that he would like to operate Monday thru Friday from 9am-2pm. He has sold food at the farmers market for many years.

O'Neill feels that we need to look at it and be fair to all possible food vendors. The Board agreed that the current requirements will be followed but the Boards will continue to discuss whether we want to consider a longer term.

John Gillott stated that the Planning Board has had a similar request from the food truck that operates at the YMCA. If we considered this and not the other it wouldn't be fair. A change in the Village Code would affect all vendors in the Village.

Mayor Hartill stated that we are in the middle of construction season. The Town of Lansing is taking the milling from N. Triphammer Road. They are providing a significant amount of trucking to help the Village. One thing the Mayor wants to do is check the contract with Suit-Kote to make sure trucking wasn't part of the contract. The Town will use the millings in their oil and stone paving operation. This is a win-win situation for both municipalities. When you reheat stone it is weakened and gets micro cracks, therefore we won't be reusing the millings on N. Triphammer Road. Hartill stated that you can get away with using the millings once, but any more than that isn't good.

Bush Lane is making good progress. Hartill is still hopeful that we will be able to start on Northwood Rd. in September. Veanor asked if the Village had officially taken over the road. Hartill stated that it is still in the lawyer's hand. Three culverts are failing in front of Northwood that need to be replaced.

The Village has decided to not repave Cinema Drive this year since there will be heavy construction traffic in that area with the Cayuga View housing project. There was a nice rain this morning but we are still not out of trouble. Hartill stated that he drove through Lansing Trails II and the new road looks very nice.

During general discussion Hardaway stated that the Greenway Committee has a Shannon Park field trip planned for August 3rd to assess the recommendations received from the Friends of Shannon Park (FOSP). Shannon Park is a Planned Development Area (PDA) and FOSP have expressed the need of some improvements that they would like to see. Veanor asked if it was a Community or Village Park issue. Hartill stated that we maintain the pond and FOSP have planted some flowers. It's not the same as Dankert Park with playing fields and a playground. It is more of a greenspace with a pond and a trail, similar to the one in the Lansing Trails Development. Veanor stated that in his interview with Gerry Monaghan he told Veanor that it is a Village owned park. Hartill stated that we maintain the pond and technically we own it. It is a small public park with no playground. Hardaway stated that it is considered more of a greenspace than a park. When we go on

the field trip we will look at what we can do to make it look nicer. Hartill stated that we have to do something about the split rail fence and walkway.

Veanor asked if there was any movement to turn Poison Ivy Point into a public park. Mayor Hartill stated that the problem is with the railroad. Hartill needs to contact the railroad to see if we can work something out for crossing. Hartill thinks they will let us have access over the railroad for money. We own and maintain the road that goes down to the point. The road is for emergency vehicles, but also serves as a pedestrian pathway down to the lake.

Dake asked if any Trustees would be attending the NYCOM Conference this year. She has two rooms reserved in case anyone else would like to attend. Trustees Hardaway and O'Rourke are both interested in going and will check their calendars.

Dake informed the Board that there is a draft copy of the Town of Lansing's Comprehensive Plan in our office. Ed LaVigne was in attendance and stated that the next public hearing is Aug 10th. There will be a third public hearing after the Town Board reviews it. A copy is also available on the Town of Lansing website.

O'Rourke asked if the circus is coming to the Village. There has been no request yet.

Motion to Adjourn

Trustee O'Neill moved to adjourn. Trustee Hardaway seconded the motion. A vote was taken:

Mayor Donald Hartill-Aye
Trustee Ronny Hardaway- Aye

Trustee John O'Neill- Aye
Trustee Patricia O'Rourke-Aye

The meeting was adjourned at 8:00pm.

Jodi Dake
Clerk/Treasurer